

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

HEATHER MINICK, et al. )  
 )  
 PLAINTIFF, )  
 )  
 vs. ) No. 3:12-cv-00524  
 ) JURY DEMAND  
 METROPOLITAN GOVERNMENT ) JUDGE TRAUGER  
 OF NASHVILLE, DAVIDSON COUNTY, )  
 TENNESSEE, et al. )  
 )  
 DEFENDANTS. )  
 )

**SECOND AMENDED COMPLAINT**

Comes now the Plaintiff, by and through her attorney of record and for her Second Amended Complaint against the above-named Defendants, alleges as follows:

Plaintiff's Amended Complaint (Document No. 143) is incorporated herein by reference in its entirety.

Plaintiff's Amended Complaint is further amended by adding the following new paragraphs:

4.39 Defendants Foster, Barshaw, Davidson, and Craven are Deputy Sheriffs as well as corrections officers with the Davidson County Sheriff's Office.

4.40 A corrections officer is a classification of a Deputy Sheriff who is employed in a correctional security position.

4.41 In doing the acts alleged in this complaint, Defendants Foster, Barshaw, Davidson, and Craven were acting under the color of the statutes, ordinances, regulations, customs, and usages of the Metropolitan Government of Nashville and Davidson County, Tennessee and the State of Tennessee as well as by virtue of and under the authority of their office as Deputy Sheriffs of the Davidson County Sheriff's Office.

4.42 Defendant Metropolitan Government of Nashville and Davidson County is responsible for all wrongs, injuries, losses, damages and expenses resulting from the actions of Defendants and Deputy Sheriffs Foster, Barshaw, Davidson, and Craven pursuant to Tenn. Code Ann. § 8-8-302.

Plaintiff's Amended Complaint is further amended by deleting Count III of the Amended Complaint in its entirety and replacing it with the following:

**COUNT III**  
**(DAVIDSON COUNTY'S LIABILITY - TENN. CODE ANN. § 8-8-302)**

7.1 Defendant Metropolitan Government of Nashville and Davidson County is liable for the wrongs, injuries, losses, damages and expense resulting from the acts of Defendants Foster, Barshaw, Davidson, and Craven, who were acting by virtue of or under color of their office as a Deputy Sheriffs at all times relevant to the facts set forth in this Complaint.

7.2 Pursuant to Tenn. Code Ann. § 8-8-302, Defendant Metropolitan Government of Nashville and Davidson County is responsible for the actions of Defendants Foster, Barshaw, Davidson, and Craven.

Respectfully submitted,

MOSELEY & MOSELEY  
ATTORNEYS AT LAW

BY: /s/ James Bryan Moseley  
James Bryan Moseley, No. 021236  
Attorneys for Plaintiff

237 Castlewood Drive, Suite D  
Murfreesboro, Tennessee 37129  
615/ 254-0140  
Fax: 615/ 244-2270

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 1<sup>st</sup> day of December, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ James Bryan Moseley  
James Bryan Moseley

Copy to: Clients  
Luke A. Evans, Esq.  
S. Brad Dozier, Esq.